

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GOVERNMENT'S OPPOSITION TO DEFENDANT'S MOTION
FOR A VIEW OF 15 BROOK STREET, HAVERHILL, MA

The government opposes the defendants motion for a view of 15 Brook Street, in Haverhill, MA. [D. 18]. The government opposes this motion on two grounds.

First, counsel for both parties viewed 15 Brook Street on December 8, 2005. Counsel for the government took photographs, which were provided to the defendant, and counsel for the defendant took photographs and extensive video. Thus, the Court will have at its disposal ample photographic and video evidence of the layout of 15 Brook Street upon which to base its ruling. Organizing a view of 15 Brook Street will be a needless waste of government and judicial resources.

Second, and more importantly, the critical issue in this case is not whether the protective sweep doctrine is applicable to the search of the basement of 15 Brook Street, as defendant claims. Def. Mot. 1. Rather, the critical issue in this case is whether the tenant of 15 Brook Street, Ms. Jacqueline Cruz, voluntarily gave officers consent to enter her house to search

for the defendant, George MEDINA. Viewing the basement of 15 Brook Street will offer this Court no assistance in deciding this issue, as Ms. Cruz was standing on the front porch of 15 Brook Street when she gave consent. Accordingly, defendant's motion should be DENIED.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ S. Waqar Hasib
S. WAQAR HASIB
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ S. Waqar Hasib
S. WAQAR HASIB
Assistant U.S. Attorney

Date: May 2, 2006